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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PEDRO RODRIGUEZ,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-00944-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS ACTION**

14-DAY DEADLINE

Clerk of the Court to Assign a District Judge

On February 6, 2021, the Court issued a screening order directing Plaintiff to file an amended complaint curing the deficiencies in his pleading or a notice of voluntary dismissal. (Doc. 8.) Despite receiving two extensions of time (Docs. 10, 12), Plaintiff has failed to file an amended complaint or a notice of dismissal within the time provided by the Court.

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have inherent power to control their dockets” and, in exercising that power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a

1 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.
2 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,
3 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

4 Accordingly, the Court **RECOMMENDS** that this action be **DISMISSED** without
5 prejudice for Plaintiff's failure to obey court orders. The Court **DIRECTS** the Clerk of the Court
6 to assign a district judge to this action.

7 These Findings and Recommendations will be submitted to the United States District
8 Judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). **Within 14 days** of the date of
9 service of these Findings and Recommendations, Plaintiff may file written objections with the
10 Court. The document should be captioned, "Objections to Magistrate Judge's Findings and
11 Recommendations." Plaintiff's failure to file objections within the specified time may result in
12 waiver of his rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing
13 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

14
15 IT IS SO ORDERED.

16 Dated: **May 12, 2021**

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE